SUPREME COURT, U. S.

FILED

NOV 22 1968

JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

AT WASHINGTON

OCTOBER TERM, 1968

Number 762

J. P. KIMBRELL,

Vs.

THE LAWRENCE COUNTY BAR ASSOCIATION, et al.

SUPPLEMENTARY APPENDIX

FLORENCE HERALD PRINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

J. P. KIMBRELL,
Vs.
THE LAWRENCE COUNTY BAR ASSOCIATION.

Civil No. 728

ORDER

This action was commenced January 19, 1968 by the filing of a complaint captioned as above. The complaint alleged that plaintiff was, in 1966, elected Judge of the Court of General Sessions for Lawrence County, Tennessee, and that subsequently he was prevented from taking office as a result of the decisions of the courts of Tennessee that he was not qualified to do so. On February 28, 1968, plaintiff filed a motion for leave to amend his complaint, which motion is granted. Considering the complaint as amended, it appears that the Tennessee courts held constitutional a private act of the General Assembly, applying to Lawrence County, requiring the General Sessions Judge of such County to be an attorney. He asserts that this act was unconstitutional and asks that this court take jurisdiction and order his induction into the office, after determining that said private act is unconstitutional.

Defendant filed a motion to dismiss the original complaint on several grounds, including an allegation that this court lacked subject matter jurisdiction.

Careful consideration of the complaint, as amended, fails to disclose any allegation therein which would vest jurisdiction of this dispute in this court. Accordingly, it is ORDERED that the action be dismissed.

FRANK GRAY, Jr.,
UNITED STATES DISTRICT JUDGE

No. 18,578

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

J. P. KIMBRELL, Plaintiff-Appellant,

Versus

THE LAWRENCE COUNTY BAR ASSOCIATION, et al.

Defendants-Appellees

Before WEICK, Chief Judge, PHILLIPS and EDWARDS, Circuit Judges.

This cause came on to be heard on the motion of Plaintiff-Appellant, J. P. Kimbrell, for an advance special hearing and immediate adjudication of this appeal. Upon consideration of the briefs, appendices and record in this case, and it appearing to the Court that the Supreme Court of Tennessee has held that the statute in question is constitutional in the case of **Perry, et al v. Lawrence County Election Commission, et al., (411 SW2d 538 1967)**, and that certiorari was denied by the Supreme Court of the United States on October 9, 1967, **389 U.S. 821**; and it further appearing to the Court that no substantial federal question is involved, and that the appeal is entirely without merit and frivolous, it is ORDERED that said appeal be and is hereby dismissed. Rule 9, Court of Appeals for the Sixth Circuit.

CARL W. REUSS, Clerk.